

<b>In the Matter of:</b>	)	
	)	
	)	
Half Smoke, LLC	)	Case No.: 19-CMP-00125
t/a Half Smoke	)	License No.: ABRA-100855
	)	Order No.: 2020-659
Holder of a	)	
Retailer's Class CR License	)	
	)	
at premises	)	
651 Florida Avenue, NW	)	
Washington, D.C. 20001	)	
	)	

**ALSO PRESENT:** Half Smoke, LLC, t/a Half Smoke, Respondent

Shahzeb Asim, Assistant Attorney General  
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

The above mentioned parties have petitioned the Alcoholic Beverage Control Board (Board) to approve an offer-in-compromise (OIC) to settle one or more violations of Title 25 of the D.C. Official Code (Title 25) and Title 23 of the D.C. Municipal Regulations (Title 23) in accordance with D.C. Official Code § 2-509(a).

## **ORDER**

Therefore, on this 4th day of November 2020, the Board **APPROVES** the OIC appended to this Order. The terms of the OIC are as follows:

1. The Respondent admits to a violation of the statutes or regulations listed in the OIC attached to this Order.
2. The Respondent shall follow and abide by the terms and conditions of the attached OIC in accordance with D.C. Official Code §§ 2-509(a), 25-447(f), and 25-823(a)(6).
3. The Respondent waives all rights to notice or appearance before the Board.
4. The Respondent waives the right to a hearing, call witnesses, present evidence, and otherwise contest the charges as provided in Title 25 and Title 23.
5. The Respondent waives the right to judicial review or appeal of this Order. The Respondent further agrees not to collaterally attack the disposition imposed by this Order.
6. The parties agree that the attached OIC constitutes the entire agreement of the parties.

The Show Cause hearing in this matter is cancelled. ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: aa4706b0c26af09e4b7300301dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547a4372b705c1sch31b332a2294bc

James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 25d43fca4fa146d74b75e47917d20f

Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Rema Wahabzadah, Member*  
Key: bf2ca4db59b74099b19b35b738f16cf

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com  
*Rafi Aliya Crockett, Member*  
Key: b590e91845e1f9e8516155e5c12f81cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 821729318369447481c5405c2a4189f

Jeni Hansen, Member

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda7f09f0046ec14adeb52541ce5

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**



IN THE MATTER OF:  HALF SMOKE, LLC t/a HALF SMOKE,  Respondent.	Case No. 19-CMP-00125 License No. 100855 Retailer's Class CR License
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**OFFER IN COMPROMISE FOR BOARD APPROVAL**

The District of Columbia, jointly with the licensee (respondent) submits this Offer in Compromise (OIC) to the Alcoholic Beverage Control Board (Board), as authorized by 23 DCMR § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, this case will conclude and any scheduled Show Cause Hearing will be vacated. Respondent will be obligated to abide by the terms of the OIC: a fine, suspension, both, or other term shown below. If the Board does not approve the OIC, the matter will be continued to the scheduled Show Cause Hearing, currently not set.

The respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Status Hearing and Show Cause Hearing that at a Show Cause Hearing, respondent may: be represented by legal counsel, have subpoenas issued to require the production of witnesses and evidence, produce witnesses and evidence, cross-examine witnesses, and apply to the Board for a qualified interpreter.

The OIC terms are as follows.

Charge I: No ABC Manager or Owner on Duty.

Statutory Authority: D.C. Code §§ 25-701, 823(a)(1).

(1) Fine: \$2,000 to be paid within 90 days or license shall be suspended indefinitely until this fine is paid.

(2) Suspension: N/A.

(3) Other term: N/A.

Dated: October 30, 2020

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
Public Interest Division

/s/ Fernando Rivero  
FERNANDO RIVERO [422074]  
Assistant Chief, Civil Enforcement Section

/s/ Shahzeb Asim  
SHAHZEB ASIM\*  
JOHN LUI [1021222]  
Assistant Attorney General  
Suite 10100  
400 Sixth Street, N.W.  
Washington, D.C. 20001  
Phone: (202) 442-9842  
E-mail: Shahzeb.asim@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

### CONSENT OF RESPONDENT

By this Offer in Compromise, I agree to accept and perform its terms. I acknowledge the validity of the OIC and waive a hearing to which I would have a right under D.C. Code § 25-826. I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this OIC without reservation, and I fully understand its meaning and my rights.

/s/ Andre McCain

Respondent

October 30, 2020

DATE

### CERTIFICATE OF SERVICE

I certify that on October 30, 2020, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Andre McCain  
Half Smoke, LLC  
t/a Half Smoke  
651 Florida Avenue., N.W.  
Washington, D.C. 20001  
Andre.mccain@halfsmokerestaurant.com

Martha Jenkins  
General Counsel, ABRA  
2000 14th Street, N.W.  
Suite 400 South  
Washington, D.C. 20009  
Martha.Jenkins@dc.gov

/s/ Shahzeb Asim

Shahzeb Asim

Assistant Attorney General

\*Admitted to practice only in Maryland. Practicing in the District of Columbia under the direct supervision of Kimberly M. Johnson, a member of the D.C. Bar under D.C. Court of Appeals Rule 49 (c)(4).